

REMARKS

Claims 1-26 are pending in this application. By this Amendment, claim 1 is amended. No new matter is added by this amendment as support can be found at least in claims 11 and 21. Reconsideration of the application based on the above amendment and the following remarks is respectfully requested.

The Applicant respectfully requests a personal interview following receipt and consideration of the Amendment by the Examiner.

The Office Action, in paragraph 4, rejects claims 1-5, 7, 9, 11-15, 17-19, 21-25 and 26 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,091,835 to Smithies et al. (hereinafter "Smithies"). Additionally, the Office Action, in paragraph 17, rejects claims 6, 8, 10, 16, 20 and 26 under 35 U.S.C. §103(a) as being unpatentable over Smithies. The Applicant respectfully traverses these rejections.

The Office Action asserts that Smithies teaches vetting the individual by authenticating the personal information through at least one database of at least one of law enforcement, government and background checking organizations, positively recited in claims 11 and 21. This assertion is incorrect.

Smithies teaches a method and system for recording a detailed record or "transcript" of the acts, events and forensic circumstances related to a party's affirmation of an electronic document (Abstract). Basically, Smithies teaches a method that allows an individual to positively affirm authorship of an electronic document.

On page 4 of the Office Action, it is asserted that claim 11 is rejected for the same reasons as claim 1. However, claim 11 recites vetting the individual by authenticating the personal information through at least one database of at least one of law enforcement, government and background checking organizations, which is not suggested by Smithies.

The method of Smithies is intended to ensure that the affirming party is in fact the identified party (Abstract). This only provides for assurances that the person who is 'signing' the document, is in fact that person, *i.e.*, similar to how a personal identification number is used. In other words, Smithies does not connect to external databases to conduct background checks, etc., as would be required for entry to a secure facility. Instead, Smithies may use forensic analysis to verify the uniqueness of a person's handwriting or other mark to verify the identity of the individual (col. 2, lines 37-48). Specifically, Smithies teaches recording such details as that the affirming party is i) in fact the identified party; ii) understands that by affirming the contents of the document they may be legally accountable, iii) has adequately reviewed the document; and iv) understands the consequences of affirming the document (col. 7, lines 24-41).

Claim 1 is amended to incorporate the distinguishable feature of claims 11 and 21, *i.e.*, vetting the individual by authenticating the personal information through at least one database of at least one of law enforcement, government and background checking organizations.

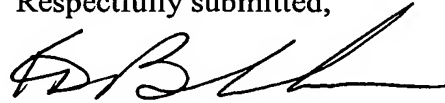
For at least the above reasons, Smithies cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features recited in at least independent claims 1, 11 and 21. Further, claims 2-10, 12-20 and 22-26 are also neither taught nor would they have been suggested by the applied reference for at least the respective dependence of these claims on allowable independent claims 1, 11 and 21, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-26 under 35 U.S.C. §102(b) and §103(a) as being unpatentable over, or anticipated by, Smithies, are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-26 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: June 3, 2008

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